

### AFFIDAVIT OF DISCLAIMING TITLE

**Gary D. Preszler, Commissioner**, and **Dale L. Frink, State Engineer**, first duly sworn, swear upon penalty of perjury that the statements made in this affidavit are true.

1. I, Gary D. Preszler, am North Dakota's Commissioner of University and School Lands, which is entrusted with management responsibilities for oil, gas and related hydrocarbons in the sovereign lands of North Dakota.
2. I, Dale L. Frink, am North Dakota's State Engineer, which is entrusted with management of the State's possessory interests in sovereign lands, other than the oil, gas and related hydrocarbons in the sovereign lands.
3. At the time that North Dakota became a state, it acquired, under the Equal Footing Doctrine and Submerged Lands Act, sovereign lands from the federal government. Sovereign lands mean those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams.
4. The question of navigability of a lake or stream at the time of statehood is determinative of whether title to the lands underlying such waters was acquired by the state.
5. Chapter 61-33, North Dakota Century Code, grants the duty and power to the Board of University and School Lands and the State Engineer to make and execute all instruments of release and conveyance for the administration of sovereign lands.
6. The Board of University and School Lands and the State Engineer do not assert that the lands underlying the following waters, commonly known as **Shell Lake (North)**, are sovereign, and hereby disclaim title and ownership to the lands underlying the lake, located on and in the following described property:

**Mountrail County**  
Township 155 North, Range 89 West  
Section 17: SW4SW4  
Section 18: S2, S2NE4  
Section 19: NE4, E2NW4, N2SE4  
Section 20: W2NW4

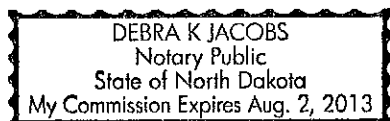
7. The State of North Dakota further preserves any title and rights that it may claim as a riparian owner.

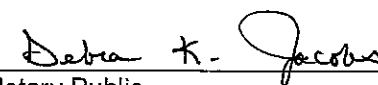
Dated this 21<sup>st</sup> day of August, 2009.

  
\_\_\_\_\_  
Gary D. Preszler, Commissioner  
North Dakota Board of University and School Lands

STATE OF NORTH DAKOTA     )  
  ) ss  
COUNTY OF BURLEIGH     )

On this 21<sup>st</sup> day of August, 2009, before me personally appeared Gary D. Preszler, Commissioner of the Board of University and School Lands of North Dakota, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.



  
\_\_\_\_\_  
Notary Public

RETURN TO:

N D STATE LAND DEPARTMENT  
P O BOX 5523  
BISMARCK ND 58506-5523

County Recorder  
Mountrail County  
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**Mountrail County, T155N, R89W, Sections 17, 18, 19, 20**

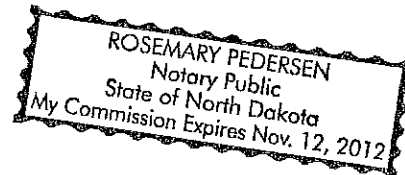
**Shell Lake (North)**

Dated this 14<sup>th</sup> day of September, 2009. Dale L. Frink  
Dale L. Frink, North Dakota State Engineer

STATE OF NORTH DAKOTA     )  
  ) ss  
COUNTY OF BURLEIGH

On this 14 day of September, 2009, before me personally appeared Dale L. Frink, North Dakota State Engineer, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.

Rosemary Pedersen  
Notary Public



County Recorder  
Mountrail County  
Stanley ND

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COUNTY RECORDER, MOUNTRAIL COUNTY, ND

I certify that this instrument was filed and recorded, 359353

MELISSA VACHAL, County Recorder     Fee   \$13.00  
By Jan Taylor, Deputy     Sep 25, 2009 10:47 AM

